

## MEETING NOTES

October 24, 2008

R9-5-101 (6)

Did issues drive change in the definition of "activity area?"

*No, the change is consistent with rulemaking format requirements.*

R9-5-101 (19)

Currently the definition of C.C.P. includes a reference to the National Child Care Association. The name of the organization may change. Can "or successor organization" be added to the definition?

*No, rulemaking requirements do not allow open-ended references. The rule will need to be amended if the name of the organization changes.*

R9-5-101 (30)

Why was "government or public expenditures, government or public funding" added?

*The phrase was added for clarification. Government and public expenditures and funding are considered compensation.*

R9-5-101 (37)

There are concerns with the definition of "discipline."

*Rewrote the definition "Discipline means the on-going process of helping a child develop self-control and assume responsibility for the child's actions."*

R9-5-101(40)

"Endanger" is inflammatory.

*The Department believes it is necessary to retain the definition of "endanger." The term is used most often to state that an applicant, controlling person, or responsible party can not have had a child care facility or group home license revoked for endangering the health and safety of children and the Department wants to retain those instances. R9-5-501 has been changed from "not endangered" to "place at risk of harm".*

R9-5-101(62)

"Infestation" is inflammatory.

*There is no other word that adequately conveys what "infestation" means.*

R9-5-101(68)

*"Licensee" was amended to be consistent with the definition of "applicant".*

R9-5-101(74)

"Modification" seems to be too broad.

*Modification has been removed and the phrase "alteration or addition" has been added.*

R9-5-101(81)

"Outbreak" is inflammatory.

*The term is necessary and used in the phrase "outbreak of a disease" to specify that a staff member or enrolled child without proof of immunity to the disease is not allowed at the facility during an outbreak of the disease.*

R9-5-101(115)

Discussion of changes to the definition of supervision included the change from "sight and sound" to "see or hear". Concerns were expressed about the phrase "intervene to safeguard the child from physical injury".

Would the phrase be interpreted to mean that if a child ended up with a physical injury, the child was not supervised? There are instances where a teacher-caregiver is right beside a child but can not intervene fast enough to stop a physical injury.

*The definition of supervision was amended to read:*

*Supervision means:*

- a. For an enrolled child, knowledge and accountability for the activity and whereabouts of the child in the activity area, including the ability to see or hear the enrolled child at all times, to interact with the enrolled child, and to provide guidance to the enrolled child; or*
- b. For an individual other than an enrolled child, knowledge of and accountability for the activity and whereabouts of the individual, including the ability to see or hear the individual at all times and to intervene to prevent harm to enrolled children.*

*Can the definition be changed to:*

*Supervision:*

- a. For an enrolled child, means...*
  - b. For an individual other than an enrolled child, means*
- No, that is not consistent with rulemaking format requirements.*

**R9-5-101(119)**

*Is "use zone" the same as "fall zone"? "Fall zone" is the preferred term. Check the definition from Consumers Products Safety Commission.*

*Yes, "use zone" is the same as "fall zone". The definition is from the CPSC. The Department changed the term from "use zone" to "fall zone."*

**R9-5-201(A)(5)(a)(ii) and (h)**

*Why is the applicant's social security number necessary?*

*The Department replaced the requirement for the applicant's social security number with a requirement for the applicant's date of birth and added a requirement for each controlling person's date of birth.*

**R9-5-201(A)(5)(b)**

*The Department amended this requirement consistent with Division requirements.*

**R9-5-202(C)(2)**

*A surveyor does not always do an on-site inspection for a request for approval of a change affecting a license that requires a change in the use of physical space at the facility. Sometimes photographs can be submitted to document compliance with requirements.*

*The Department amended the rule as follows:*

*As part of the substantive review for a request for approval of a change affecting a license that requires a change in the use of physical space at the facility, the Department shall conduct an investigation which may include an on-site inspection.*

**R9-5-202. Table 1**

*The license renewal time-frames were changed as a result of legislation that removed requirements for an on-site inspection before a renewal license is issued.*

**R9-5-203(A)(2)**

*Need to add "of employment or volunteer service" after "starting date".*

*Added "of employment or volunteer service" after "starting date".*

**R9-5-208(B)**

*Discussed the phrase "outside the presence of other individuals". There were questions about DHS's surveyors being fingerprinted. In addition it was stated that parents have placed their child at the facility and it is the facility's responsibility to care for the child. How does the facility ensure the child's safety if a surveyor takes the child into a room outside the presence of any facility staff members? It was stated that this did not happen all the time. Often a surveyor will talk to an enrolled child in the room with other children and staff members,*

but sometimes it's necessary to talk to an enrolled away from the staff member if the investigation concerns the staff member.

*Because the Department already has the investigative authority to conduct confidential interviews per discussions with the Assistant Attorney General, the Department will remove the phrase "outside the presence of other individuals" from the rule.*

Next scheduled meetings

November 13, 2008

9:00 a.m. – 12:00 p.m.

150 N. 18<sup>th</sup> Ave., 4<sup>th</sup> floor training room

Phoenix, Arizona, 85007

Tentative discussion: Articles 3 and 4

December 11, 2008

9:00 a.m. – 12:00 p.m.

150 N. 18<sup>th</sup> Ave., Room 540A

Phoenix, Arizona, 85007

Tentative discussion: Articles 5 and 6